

12-26-00

A

12/21/00

12/21/00

Express Mail Label No. EL598673206US

Docket No.: END9 2000 0184 US

**NEW UTILITY PATENT APPLICATION TRANSMITTAL**

**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Total Pages this Submission: 3

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**System and Method for Determining Network Discrete Utilization**

and invented by:

HARRY R. GAIL, JR., FREDRICK K. P. KLASSEN, ROBERT M. SILVERMAN

**ASSIGNEE: INTERNATIONAL BUSINESS MACHINES CORPORATION**

**RESIDENCE OF ASSIGNEE: ARMONK, NEW YORK**

**If a CONTINUATION APPLICATION, check the appropriate box and supply the requisite information:**

☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

**Application Elements**

- 01. ☒ Filing fee as calculated and transmitted as described below
- 02. ☒ Specification having 68 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure
- 03. ☒ Drawing(s) when necessary as prescribed by 35 USC 113)
  - a. ☐ Formal
  - b. ☒ Informal

Number of sheets: 9

**NEW UTILITY PATENT APPLICATION TRANSMITTAL****(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages this Submission:3

**Application Elements (Continued)**

## 04. ● Oath or Declaration

- a. ☐ Newly executed (original or copy) ● Not executed
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ● With Power of Attorney ☐ Without Power of Attorney

05. ☐ Incorporation By Reference (usable if box 4b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of accompanying application and is hereby incorporated by reference therein.

06. ☐ Computer Program in Microfiche (Appendix)07. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)

- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy (identical to computer copy)
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

08. ☐ Assignment Papers (cover sheet & document(s))
09. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS citation
12. ☐ Preliminary Amendment
13. ● Acknowledgment postcard
14. ● Certificate of Mailing
- ☐ First Class ● Express Mail (Label No: \_\_EL598673206US)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

**NEW UTILITY PATENT APPLICATION TRANSMITTAL****(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Total Pages this Submission:3

**Accompanying Application Parts (Continued)**16. ☐ Additional Enclosures (identify below)

jc841 U.S. PTO  
09/746179  
12/21/00

**Fee Calculation and Transmittal****CLAIMS AS FILED**

| For                             | # Filed | # Allowed | # Extra | Rate                    | Fee        |
|---------------------------------|---------|-----------|---------|-------------------------|------------|
| Total Claims                    | 22      | -20       | 2       | x \$18.00               | \$ 36.00   |
| Indep. Claims                   | 9       | - 3       | 6       | x \$80.00               | \$ 480.00  |
| Multiple Dependent Claims _____ |         |           |         |                         | \$         |
|                                 |         |           |         | <b>BASIC FEE</b>        | \$ 710.00  |
| Other FEE (Specify purpose)     |         |           |         |                         | \$         |
|                                 |         |           |         | <b>TOTAL FILING FEE</b> | \$1,226.00 |

- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit IBM Corporation Deposit Account No. 09-0457 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \$1,226.00 as filing fee.
  - Credit any overpayment.
  - Charge any additional filing fees as required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 12/20/00

John R. Pivnichny  
Signature

John R. Pivnichny  
Reg. No. 43,001  
IBM Corporation, N50/040-4  
1701 North Street  
Endicott, NY 13760  
Phone: (607) 755-6565

CC:

transmitnew.wpd